

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL
PROCEEDINGS CONCERNING JUDGE ELAINE M. RUSHING

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Elaine M. Rushing of the Sonoma County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern allegations that the judge (1) was convicted on a plea of no contest of the crime of driving while having a 0.08 percent or higher blood alcohol level with an enhancement for a blood alcohol level of 0.20 percent or more; (2) engaged in a course of dishonest conduct in an effort to avoid being arrested; and (3) repeatedly invoked her judicial office and that of her husband in an effort to avoid being arrested and to otherwise receive preferential treatment. It is alleged that these actions constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action.

In accordance with the rules that govern Commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Judge Rushing is represented by attorney James A. Murphy, Esq., of Murphy, Pearson, Bradley and Feeney in San Francisco, California.

Following completion of the hearing, the Special Masters will provide the Commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the Commission through briefing and argument. If the Commission determines that charges are proved by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the Commission determines are not proved will be dismissed. A determination by the Commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the Commission office. A copy of the Notice of Formal Proceedings is also posted on the Commission's Web site at www.cjp.ca.gov (under "Press Releases"). Judge Rushing's Answer to the notice is presently due February 27, 2006. Upon filing, Judge Rushing's Answer will be made available for public inspection.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is Marshall B. Grossman, Esq., of Los Angeles, California.